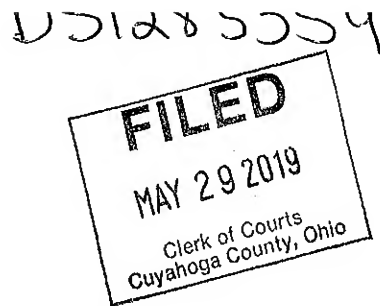




Common Pleas Court of Cuyahoga County, Ohio

Nailah K. Byrd, Clerk of Courts

Defense Subpoena Criminal Rule 17 Worksheet



Case information:

Defendant: Emily McNeeley  
Case number: CR-19-636461-A  
Judge: Patricia Cosgrove  
Courtroom: To be determined  
Attorney/Pro Se Party: Roger M. Synenberg  
Bar number: 0032517  
Phone: 216-622-2727

To summon:

First name: Cuyahoga County Law Department  
Last name: \_\_\_\_\_  
Address #1: 2079 E 9th St.  
Address #2 (optional): \_\_\_\_\_  
City/State/Zip: Cleveland, Ohio 44115



Attorney Service



Sheriff Service



Process Server



Other

To the witness:

In lieu of appearance, please provide the materials identified in the attached Duces Tecum.

Appearance:

Date: 6/25/2019  
Time: 1:00 P.M.

Forthwith: ☐ Yes ☒ No

In lieu of E-Filing, this form is provided as a courtesy to allow the Clerk's staff to input information to generate a subpoena. This form is not meant for service. Please deliver the completed form to the 2<sup>nd</sup> floor Justice Center Cuyahoga County Clerk of Courts, Criminal Division.

Per Ohio Criminal Rules of Procedure 17(D): A subpoena may be served by a sheriff, bailiff, coroner, clerk of court, constable, marshal, or a deputy of any, by a municipal or township policeman, by an attorney at law or by any person designated by order of the court who is not a party and is not less than eighteen years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person or by reading it to him in person or by leaving it at his usual place of residence, and by tendering to him upon demand the fees for one day's attendance and the mileage allowed by law. The person serving the subpoena shall file a return thereof with the clerk. If the witness being subpoenaed resides outside the county in which the court is located, the fees for one day's attendance and mileage shall be tendered without demand. The return may be forwarded through the postal service, or otherwise.

### **Duces Tecum to Cuyahoga County**

Provide the following information:

1. The files, documents, records, notes, calendar appointments, emails, research, text messages, recordings, reports, complaints, allegations, etc. related to any Office of the Internal Auditor investigation involving Emily McNeeley.
2. The names and email addresses of all Cuyahoga County employees with access to ([ccpocivil@prosecutor.cuyahogacounty.us](mailto:ccpocivil@prosecutor.cuyahogacounty.us)) during the time period of August 2016 through the present.
3. The names and email addresses of all Cuyahoga County Prosecutor's Office employees with access to ([ccpocivil@prosecutor.cuyahogacounty.us](mailto:ccpocivil@prosecutor.cuyahogacounty.us)) during the time period of August 2016 through the present.
4. The emails sent to and received by [ccpocivil@prosecutor.cuyahogacounty.us](mailto:ccpocivil@prosecutor.cuyahogacounty.us) during the time period of August 2016 through the present.
5. The Contracts sent to [ccpocivil@prosecutor.cuyahogacounty.us](mailto:ccpocivil@prosecutor.cuyahogacounty.us) during the time period of August 2016 through December 2017.
6. The records produced to the Cuyahoga County Prosecutor's office pursuant to subpoenas issued by the Cuyahoga County Prosecutor's Office since January 1, 2018.
7. The documents provided in response to any Public Records Requests made by [www.cleveland.com](http://www.cleveland.com) and/or *The Plain Dealer* requesting documents related to: 1) the Grand Jury subpoenas issued by the Cuyahoga County Prosecutor's Office since January 1, 2018 to Cuyahoga County, 2) Emily McNeeley, 3) Lisa McNeeley, and 4) Hyland Software.

8. The notes, writings, recordings or other documentation kept by Assistant Law Director Sarah Cammock of an October 20, 2016 meeting at Hyland Software.
9. The emails sent to or from a Cuyahoga County email address that ends in @cuyahogacounty.us that contains the word "Emily", "McNeeley, and/or "Emily McNeeley" in the body of the email or the subject line for the time beginning 9/1/17 through the present.
10. The OnBase history logs and transaction forms related to any Hyland Software transaction for the purchase of OnBase software, maintenance and/or services. This includes the history logs for all documents attached to a transaction form as well as the history log for the transaction form itself.
11. The emails to or from any Plain Dealer or cleveland.com email address that contains the word "Emily", "McNeeley", "Emily McNeeley, "Scot", "Rourke", and/or "Scot Rourke" in the body of the email or the subject line for the time period beginning 9/1/17 to the present.
12. The documents collected by the Cuyahoga County IT department that were provided to the Plain Dealer and/or cleveland.com.
13. The records related to any unclassified employee placed on administrative leave, paid or unpaid, for the past ten years. This should include, but is not limited to, any reports created analyzing county use of administrative leave, any findings from that analysis, emails regarding the analysis, correspondence sent to employees placed on leave, emails regarding the decision to place an employee on leave, all other records related to the leave which should identify the name of the employee, the length of leave, the start and end date of the leave, reason for the leave, the position/title of the employee placed on

leave, the resolution of said leave including any settlement agreements, etc., and all documents reflecting the authority of the County to place an unclassified employee on unpaid administrative leave, and any Ohio Ethics Commission opinions requested by the County related to the use of unpaid administrative leave for unclassified employees.

14. All County policies that address the sharing of County information with County employees, and to non-County persons.

**\*Records should be provided in .pst format where applicable.**

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Records may be delivered via fax, e-mail, or mail to the following:

Roger M. Synenberg, Esq.  
Clare C. Moran, Esq.  
Matthew A. Kurz, Esq.  
Synenberg & Associates, LLC  
55 Public Square, Ste. 1331  
Cleveland, Ohio 44113  
Fax: 216-622-2707  
Email: [rsynenberg@aol.com](mailto:rsynenberg@aol.com); [cmoran@synenberg.com](mailto:cmoran@synenberg.com); [mkurz@synenberg.com](mailto:mkurz@synenberg.com)

If you have any questions, please contact Roger Synenberg, Clare Moran or Matthew Kurz at 216-622-2727.